

EXHIBIT D

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

ROBERT BERG,

Plaintiff,

- against -

M & F WESTERN PRODUCTS, INC.

Defendant.

Case No. 6:19-cv-418-JDK

**PLAINTIFF ROBERT BERG RULE 26(a)(e)(1)
SUPPLEMENTAL INITIAL DISCLOSURES**

Pursuant to Rule 26(a) (1) of the Federal Rules of Civil Procedure, plaintiff Robert Berg (“Berg”) hereby provides the following Supplemental Initial Disclosures. These disclosures are based on information reasonably available to Berg at this time, and Berg does not represent that it is identifying every document, tangible thing, or individual potentially relevant to this lawsuit. Berg continues to investigate the claims in this action, and reserves the right to produce during discovery or at trial such data, information, or documents as are subsequently discovered, generated, determined to be relevant, or determined to have been omitted from these disclosures. Berg also reserves the right to modify or supplement any or all of these disclosures.

Identity of Individuals Likely To Have Berg Information

The following persons are reasonably likely to have Berg information that Berg may use to support its claims in the above-captioned action. Berg has not provided contact information where he does not have such information and/or such information is already known or otherwise readily available to Defendant.

| <u>Name</u> | <u>Company Affiliation/Address</u> | <u>Expected Areas of Knowledge</u> |
|----------------|---|---|
| Robert Berg | <i>(contact only through counsel)</i> | <ul style="list-style-type: none"> • Knowledge regarding the creation of his designs. • Knowledge regarding the interaction with MF Western at the NRF retail trade show in 2016. • Knowledge regarding the copyright registration of the designs. • Knowledge regarding licensing his designs. • Knowledge regarding tradeshows he attended. • Knowledge regarding his factories in Mexico. • Knowledge regarding MF Western's factories in Mexico. • Knowledge regarding his website. • Knowledge regarding MF Western's interest in purchasing his business at the NRF retail trade show in 2016. |
| Mickey Eddins | Owner of M & F Western Products, Inc. | <ul style="list-style-type: none"> • Knowledge regarding MF Western's factories. • Knowledge regarding Berg's factories in Mexico. • Knowledge regarding interacting with Berg at the NRF retail trade show in 2016. • Knowledge regarding MF Western's interest in purchasing Berg's business at the NRF retail trade show in 2016. • Knowledge regarding Berg's designs. |
| Gary Bellinger | M & F Western Products, Inc. | <ul style="list-style-type: none"> • Knowledge regarding MF Western's factory in Mexico. • Knowledge regarding Berg's factory in Mexico. |

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|-----------------------------|------------------------------|--|
| | | <ul style="list-style-type: none"> • Knowledge regarding Berg's designs. |
| Carrey Craft | Legion Belts | <ul style="list-style-type: none"> • Knowledge regarding licensing designs from Berg. • Knowledge regarding his job at Legion Belts |
| Carrey Craft | M & F Western Products, Inc. | <ul style="list-style-type: none"> • Knowledge regarding MF Western's designs. • Knowledge regarding his new job at MF Western. • Knowledge regarding his job at Legion Belts. • Knowledge regarding interaction with Berg and NRF retail trade show in 2016. • Knowledge regarding MF Western's interest in purchasing Berg's business at the NRF retail trade show in 2016. • Knowledge regarding Berg's designs. |
| Corporate Representative(s) | M & F Western Products, Inc. | <ul style="list-style-type: none"> • Knowledge regarding Defendant's standards, practices, policies, guidelines, and budgeting for licensing of copyrighted materials. • Knowledge regarding Defendant's net worth, gross revenues, net profits, and number of total employees from 2000 to present. • Knowledge regarding the creation of the products that contained Plaintiff's designs. • Knowledge regarding sales of the designs. • Knowledge regarding revenue and profits of the designs. |

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| Those subpoenaed or listed on Defendant's Initial Disclosures, and any Defendant's Supplemental Disclosures, any Defendant's amended initial disclosures, all individuals who have given or will give testimony in this case, any expert witnesses subsequently identified by Plaintiffs during expert discovery in this litigation, any and all experts or third parties relied upon by Defendant, all custodians and witnesses, all persons or entities referred in documents produced | Various | <ul style="list-style-type: none"> • Various |
|--|---------|---|

Documents and Things in the Possession of Counsel or the Party

Plaintiff identifies the following categories of documents and things in its possession, custody or control that may be used to support its claims:

- The Designs at issue.
- The United States Copyright Registration of the Designs.

Statement of Basis for Damages

Plaintiff refers Defendant to the Complaint for an itemization of the types of damages suffered. As Plaintiff has not yet obtained discovery of Defendant's financial, sales and other relevant records, Plaintiff cannot make a reasonable estimate of the damages sustained or

infringing profits he may recover as a result of Defendant's actions. Plaintiff reserves his right as to whether or not to seek actual or statutory damages.

Insurance Agreements in Force

Not applicable.

Identities of Experts and Their Opinions

At this time, Plaintiff has not yet retained an expert, but reserves its right to do so as discovery progresses.

Dated: Valley Stream, New York
March 1, 2020

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